III. REMARKS

1. Claim 15 is amended to address the noted objection. Claim 23 is amended to address the 35 U.S.C. §112 rejection. Claims 59 and 60 are new.

2. Applicant appreciates the Examiner's indication of the allowance of claim 15 and the allowability of claims 6, 8, 22, 23, 48, 49, 52 and 56-58. For the reasons set forth herein, Applicant believes the claims should be allowable in their present state.

3. Claims 1, 2, 4, 7, 12, 13, 16-20, 24-28, 32-34, 37-38, 40, 44-47, 50-51 and 53 are not unpatentable under 35 U.S.C. §(a) in view of Lee, Kozdon and Acharya.

Claims 1, 44 and 50 each recite that the second call is originated by the mobile station and that the first network transmits data to the mobile station "indicating an identification for the handover". This is not disclosed or suggested by the combination of references.

The Examiner suggests that this feature is taught by Acharya. Applicant respectfully disagrees for the following reasons.

Col. 4, line 62 to Col. 5, line 5 discusses a general inter-switch handoff arrangement. As the mobile station moves from the coverage of one base station to another base station, it listens for the signal of another station, together with the current station. Based on measurements of the signal, the mobile terminal can "suggest" when to initiate the handoff. To do this, the mobile terminal sends the "HO_INDICATION" signal to the base station. This signal includes "multiple potential hand-off candidates". This process described by Acharya is not the same as what is claimed by Applicant.

Applicant's claim 1 recites that the "data" indicates an "identification for the hand over". Acharya merely suggests information about handovers. The HO_INDICATION signal includes multiple potential handoff candidates. The HO_START message sent from the BS1 to the mobile terminal causes the mobile terminal to change its operating

frequency and start communicating through the new base station. (Col. 5, lines 29-32). However, there is no disclosure in Acharya that suggests that the transmitted data or the HO_START message indicates an "identification for the handover" as claimed by Applicant, or that this data is transmitted from the first network to the mobile station.

The meaning of "identification for the handover" as claimed by Applicant would be understood by one of skill in the art and cannot be equated with the HO_START message of Acharya. Furthermore, the meaning of "data indicating an identification for the handover" in claim 1 is supported by the application as filed, which describes the "identifier" as being a "handover number assigned by the network NW1 to this handover operation". The handover request acknowledgment message 71 is sent from the network NW1 to the mobile station. (See e.g. page 7, paragraph 2 to page 8, paragraph 1). This description is consistent with the definition of the "data" in claim 1, in which the data is an "identification for the handover". The skilled person would therefore have no reason from either claim 1 or from the application as a whole to suppose that the data defined in claim 1 just generally identifies a message as relating to a handover (e.g. like the HO_START message disclosed in Acharya). In addition, the skilled person would understand that the reason for sending this data to the mobile station is so that the first network can later identify the specific handover as having been completed (see e.g. page 8, paragraph 1). If the data did not identify the specific handover, but instead just referred to handovers in general (as argued by the Examiner), then the first network would be unable to identify that the handover had been completed. If this were the case, the purpose for which this data was transmitted would not have been achieved. The skilled person would not interpret claim 1 in such a way that the purpose for transmitting the data from the first network to the mobile station could not be achieved.

Col. 2, lines 52-59 of Acharya referred to by the Examiner, discusses the creation of a new subpath from the handoff switch to the mobile terminal. Nothing here suggests

the transmission of "data" indicating an "identification for the handover" as recited in the claims and described in the Application.

In the response to Arguments the Examiner opines that the handover request message of Acharaya must also identify "the handover", as claimed by Applicant. However, there is nothing in Acharaya that indicates the HO_START message includes an "identifier for the handover. Rather, upon the receipt of the HO_START signal, the mobile terminal changes its operating frequency and starts communicating through BS2 60. (Col. 5, lines 29-32).

There is nothing to suggest that the HO_START message also includes an "identification for the handover" as claimed by Applicant. Thus, claims 1, 44, 50, 54 and 55 are not unpatentable. Claims 2-4, 7-13, 22, 23, 46-49, 51-53 and 56-59 should be allowable at least by reason of their respective dependencies.

The Commissioner is hereby authorized to charge payment of $100 for the extra claims fee together with any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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